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Attorneys for Plaintiffs

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 SIDNEY SCHOLL and FELTON A.)
20 SPEARS, JR., on behalf of)
21 themselves and all others similarly)
22 situated,)

23 Plaintiffs,

24 v.

25 WASHINGTON MUTUAL, INC.,)
26 a Washington corporation;)
27 WASHINGTON MUTUAL BANK,)
28 FA (aka WASHINGTON MUTUAL)
BANK); FIRST AMERICAN)
EAPPRAISEIT, a Delaware)
corporation; and LENDER'S)
SERVICE, INC.,)

Defendants.

CASE NO. 5:08-CV-00868 (RMW)

CLASS ACTION

STIPULATION AND XXXXXXXXXXXXXXXXXX
ORDER RE:

- (1) MODIFICATION OF THE CASE
MANAGEMENT CONFERENCE
DATE;
- (2) MODIFICATION OF THE
HEARING DATE ON
DEFENDANTS' MOTIONS TO
DISMISS

1 WHEREAS, on August 20, 2008, the Court ordered a case management
2 conference in this matter to be held on October 17, 2008, at 10:30 a.m.;

3 WHEREAS, by minute order of August 15, 2008, the Court set the hearing on
4 Defendants' Motions to Dismiss Plaintiffs' First Amended Complaint on October 17,
5 2008, at 9:00 a.m.;

6 WHEREAS, on September 25, 2008, Washington Mutual Bank was closed by
7 the Office of Thrift Supervision and the Federal Deposit Insurance Corporation
8 ("FDIC") was appointed receiver of the Bank. J.P. Morgan Chase & Co. on the same
9 day acquired all deposits, assets and certain liabilities of Washington Mutual Bank's
10 banking operations from the FDIC, effective immediately;

11 WHEREAS, as a result of these events, counsel for Washington Mutual Bank
12 has informed the parties that counsel is uncertain as to who will represent
13 Washington Mutual Bank or its successor in this litigation;

14 WHEREAS, parties have conferred and agree that, in light of Washington
15 Mutual Bank's role in this litigation and the uncertainty associated with
16 representation, it would be most efficient and equitable to adjourn the case
17 management conference and the hearing on Defendants' motions to dismiss to a later
18 date, pending further clarification of the proper party defendant in lieu of
19 Washington Mutual Bank and of the continued role of counsel with respect to this
20 litigation;

21 WHEREAS, parties further agree to refrain from conducting discovery until
22 November 21, 2008.

23 **IT IS HEREBY STIPULATED** by the parties, by and through their
24 undersigned counsel, that:

- 25 (1) Defendants' Motions to Dismiss Plaintiffs' First Amended
26 Complaint previously scheduled for October 17, 2008, at
27 9:00 a.m., is adjourned to November 21, 2008, at 10:00 a.m.
28

(2) The case management conference previously scheduled for October 17, 2008, at 10:00 a.m., is adjourned to November 21, 2008, at 10:00 a.m.

BRAUN LAW GROUP, P.C.

Dated: October 13, 2008

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Dated: October 13, 2008

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Dated: October 13, 2008

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**Attorneys for Defendant
Lender's Services, Inc.**

[XXXXXXXXXXXXXXXXXX] ORDER

Pursuant to the Parties' Stipulation, the Court hereby

ORDERS AS FOLLOWS:

- (1) Defendants' Motions to Dismiss Plaintiffs' First Amended Complaint previously scheduled for October 17, 2008, at 9:00 a.m., is adjourned to November 21, 2008, at 9:00 a.m.
- (2) The case management conference previously scheduled for October 17, 2008, at 10:00 a.m., is adjourned to November 21, 2008, at 10:30 a.m.

DATED: 10/15/08.

Ronald M. Whyte

HON. RONALD M. WHYTE
UNITED STATES DISTRICT COURT JUDGE